(3)

CF-2004

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO.3849 /2003

PETITIONERS : 1) Kamlesh Kumar Mishra
S/o Late Chandra Shekhar Mishra
Aged about 33 years,
R/o Opposite Kedarpur
Ambikapur, Distt. Sarguja (CG).

2) Mahesh Dubey
S/o Lalmani Dubey,
Aged about 35 years,
R/o Gond Para, Bilaspur,
District-Bilaspur (CG).

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through the Secretary,
Department of Veterinary Science & Animal Husbandry,
DKS Bhawan, Raipur (CG).

2) The Director,
Veterinary & Animal Husbandry
Chhattisgarh, Raipur
Opp. 'Sant Ghasidas Library',
Near Collectorate, Raipur (CG).

3) The Collector,
Bilaspur, District-Bilaspur.

4) Dr. N.K. James,
Incharge Joint Director,
Veterinary Services,
Ground Floor Composite Bldg.,
Bilaspur, Distt. Bilaspur (CG).

5) Dr. S.P. Singh
S/o Late D.P. Singh
Aged about 51 years,
Assistant Surgeon Veterinary,
O/o Joint Director,
Veterinary Services, Bilaspur
District-Bilaspur (CG).

P.R. No. 3643/03
Presented by Shri Vijay Deshmukh
dated 20/11/03

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Clerk to A.G. Bhaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(64)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

(Division Bench)

CORAM : Hon'ble Shri A.K. Patnaik, CJ
& Hon'ble Shri Sunil Kumar Sinha, J.

WRIT PETITION NO. 3849 OF 2003

Kamlesh Kumar Mishra & Another

Versus

State of Chhattisgarh & others

Present: Mr. Gautam Bhaduri, learned counsel for the petitioners.

Mr. Yashwant Singh, Govt. Advocate for respondents 1 to 4.

Ms. Binu Pathak, learned counsel for respondent No.5.

ORDER
(Passed on 6th May 2005)

The following Order of the Court was passed by **A.K. Patnaik, CJ: -**

The petitioner No.1 claims to be an ex-employee of the local daily Haribhoomi and the petitioner No.2 is a business man of Bilaspur and claims to be a President of Adarsh Yuva Manch, Bilaspur. They have alleged in this writ petition that the respondent No.5 Dr. S.P. Singh though an employee of Veterinary Department and is presently working as Assistant Surgeon (V) in the Office of the Joint Director, Veterinary Services, Bilaspur is also privately employed as General Manager with the local daily news paper Haribhoomi. The petitioners have further alleged that the respondent No.5 has been performing various assignments in Haribhoomi and performing day to day work in the said news paper actively and has been drawing salary for the said news paper and such conduct of respondent No.5 is contrary to the rules framed by the Government but no action is being taken against him because he is a politically very influential person. The petitioners have, therefore, prayed that the State of Chhattisgarh be directed to appoint an independent Senior Officer to conduct the detailed inquiry in respect of the allegations

(65)

against respondent No.4 and also to take immediate action against respondent No.4 – Dr. N.K. James, Incharge, Joint Director, Veterinary Services, Bilaspur who has been sheltering respondent No.5 and allowing respondent No.5 to work privately.

2. We have heard Mr. Gautam Bhaduri, learned counsel for the petitioners, Mr. Yashwant Singh, learned Government Advocate for respondents 1, 2 & 3, and we have also heard Ms. Binu Pathak for respondent No.4. Mr. Manindra Shrivastava, who appeared for respondent No.5 in a connected writ petition bearing W.P.No. 1571 of 2004 stated that no notice has been received as yet in the present writ petition to the said respondent No.5.

3. In course of hearing, Mr. Yashwant Singh, learned Government Advocate appearing for respondents 1 to 3 submitted that Government of Chhattisgarh has already ordered an inquiry into the aforesaid allegations against respondent No.5 by the Collector, Bilaspur; Collector, Raipur and Collector, Korba and to submit a report and that further action will be taken by the Government only on receipt of such report of the preliminary inquiry. In view of the said action already taken by the Government, we do not think that we should entertain this writ petition any further. Obviously, if there is any material in the inquiry report to substantiate the allegations against respondent No.5, appropriate decision will be taken by the Government in accordance with the rules and due opportunity will be given to respondent No.5 in consonance with the principles of natural justice and in consonance with the rules.

4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
Chief Justice

Sd/-
Sunil Kumar Sinha
Judge